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Criminal Law & Procedure

US v. Gray, No. 13-1909

In this case, defendant, a former flight attendant, was convicted of providing false information regarding a bomb threat on an airplane. Defendant alleges that she was denied a fundamentally fair trial when her jury was instructed that malice meant "evil purpose or improper motive." The judgment of conviction is vacated and the case is remanded for a new trial, where: 1) the court's definition of malice allowed the jury to convict defendant if it found that she was improperly motivated by something it frowned upon, which diluted the willful and malicious element and lowered the government's burden considerably, resulting in a standard impermissibly lower than the "willful disregard" instruction proposed by the government; and 2) the error was not harmless, as the diluted standard may have influenced the verdict.